



**STATE OF INDIANA
DIVISION OF RECLAMATION
INDIANA DEPARTMENT OF NATURAL RESOURCES**

COLLATERAL ASSIGNMENT OF CERTIFICATE OF DEPOSIT

Note: No individual certificate of deposit or the total of all deposits of the assignor at any individual savings institution shall exceed \$100,000 or the maximum insurable amount by F.D.I.C. or F.S.L.I.C. All certificates of deposit will be valued at current market value and not face value. The current market value is the face value of the certificate of deposit less any penalties for early withdrawal.

Part I

(To be completed by Assignor)

I, _____ responsible official for

(Name and Address of Permittee)

Hereby assign, transfer to, and pledge with the Director of the Indiana Department of Natural Resources all right, title, and interest in and

to the Certificate of Deposit issued by or carried with _____

(Name of Bank or Savings Institution)

of _____

(Address of Bank or Savings Institution)

and identified as Certificate of Deposit # _____ in the face amount of \$ _____, except that all interest accrued or accruing hereafter on said Certificate is to remain the property of the assignor.

This Assignment is made as, and shall constitute, collateral bond for the faithful performance of the assignor's obligations under I.C. 14-34, 312 IAC 25, and any conditions of the permit to which this Assignment is applicable.

Liability under this Assignment is for the duration of surface coal mining and reclamation operations conducted at _____,

(Permit Number)

_____, and continues thereafter for a period coincident with the assignor's

(Pit Name)

responsibility for the establishment of revegetation on the affected areas pursuant to 312 IAC 25-6-59, 60, 61 and 312 IAC 25-6-120, 121, 122, unless replacement bond acceptable to the Director of the Indiana Department of Natural Resources has been submitted.

The undersigned hereby constitutes and appoints the Director of the Indiana Department of Natural Resources as the true and lawful attorney of the undersigned to demand, collect, and receive all amounts, excluding interest, which shall become due under the terms of this Assignment, and to endorse the Certificate of Deposit for payment or negotiation and to endorse any commercial paper given in payment of the Certificate of Deposit.

The undersigned presents and warrants that the Certificate of Deposit is contemporaneously with the execution hereof being delivered to the Director of the Indiana Department of Natural Resources, said Certificate to remain in the possession of the Indiana Department of Natural Resources until authorized for release pursuant to 310 IAC 12-4-16; that the Certificate of Deposit is genuine and is in all respects what it purports to be; that the undersigned is the owner thereof free and clear of all liens and encumbrances of any nature whatsoever; and that the undersigned has full power, right, and authority to execute and deliver this Assignment.

The undersigned further presents and warrants that any assignments of this Certificate made while the Certificate is in the possession of the Director of the Indiana Department of Natural Resources shall be secondary to this Assignment.

NAME OF PERMITTEE _____

SIGNATURE _____

(Assignor)

(Title)

SIGNATURE _____

(Assignor)

(Title)

DATE _____

Please Submit 1 Original and 1 Copy

PART II

(To be completed by bank or savings institution)

**SIGNATURE GUARANTEE AND UNDERTAKING
BY THE FINANCIAL INSTITUTION**

The signature(s) of the assignor(s) appearing on PART I of this document was (were) made in the presence of the undersigned officer of the financial institution and their signatures are herewith guaranteed by it.

This institution undertakes to save and hold harmless the Indiana Department of Natural Resources and the State of Indiana from all loss, claims, and litigation which this institution may suffer in consequence of its acting in reliance upon, and pursuant to, this Assignment.

This institution understands and agrees that the procedures governing the forfeiture of this Certificate of Deposit are specified in 310 IAC 12-4-17 and 310 IAC 12-4-18, and that, upon due presentation of a copy of Division of Reclamation "Notification of Bond Forfeiture" form stating that the Indiana Department of Natural Resources has forfeited bond for the permit to which this Assignment is applicable, this institution will forward to the Indiana Division of Reclamation within five (5) days, a bank draft in the amount of the face value of this Certificate of Deposit less any penalties for early withdrawal. The maximum penalty for early withdrawal of this Certificate of Deposit is:

\$ _____

This institution herein states that it has no other interests in this Certificate of Deposit other than its sole responsibility to act as an escrow agent to hold such deposits and pay to the Assignor any and all interest accruing under the Certificate of Deposit. This institution agrees that any claim or lien, which may result from this escrow arrangement or which, as escrow bank, it may acquire in the future against the Assignor(s), will be secondary and junior to the Department's interest in this Certificate of Deposit.

This institution agrees that no modification will be made to the terms and conditions of the Certificate of Deposit such that the interest of the Indiana Department of Natural Resources under this assignment will be jeopardized, or in any manner affected, without first notifying and obtaining the approval of the Director of the Indiana Department of Natural Resources. Notice of any proposed modification or change in the terms or conditions of this Certificate of Deposit will be given to the Director of the Indiana Department of Natural Resources.

The total amount of this Certificate of Deposit and all other deposits of the assignor(s) at this institution does not exceed \$100,000 or the maximum insurable amount as determined by F.D.I.C. or F.S.L.I.C.

This institution understands that this Certificate of Deposit is being pledged to the State of Indiana, Department of Natural Resources, Division of Reclamation by the Assignor as bond under I.C. 14-34 and that a proper record of this assignment has been made on the books of this institution.

(Name of Financial Institution)

(Signature)

(Name typed or printed)

(Title)

(Date)

Date: _____

Accepted: _____
Authorized Signature, Indiana Division of Reclamation